

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

VS.

RENE GARCIA

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CRIMINAL NO. 7:12-cr-01136

OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

COMES NOW, RENE GARCIA, Defendant in the above-styled and numbered cause, by and through his undersigned counsel, and hereby files these objections to the Presentence Investigation Report:

I.

1. Defendant objects to paragraphs 46 and 47 of the Presentence Investigation Report because Defendant, Rene Garcia never recruited these individuals.
2. Defendant objects to paragraph 51 of the Presentence Investigation Report because he is entitled to Acceptance of Responsibility.
3. Defendant objects to paragraph 53 of the Presentence Investigation Report wherein Defendant is assessed a base offense level of 28. His base offense level should be 26, which is in accordance to 100-400 kilos of marihuana.
4. Defendant objects to paragraph 54 wherein he is assessed a two-level increase. Defendant never possessed a firearm.
5. Defendant objects to paragraph 58 because he was not the leader organizer, and because it contradicts paragraphs 46 and 47 of the PSR.
6. The PSR should be 26 – 3, totaling 23 for a total prison range of 51 – 63 months.

II.

WHEREFORE, PREMISES CONSIDERED, RENE GARCIA moves the Court to take his objections into account. Defendant requests that based on the 18 U.S.C. § 3553 factors he be sentenced to probation.

Respectfully Submitted:

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/s/ Al Alvarez
ADOLFO AL ALVAREZ
STATE BAR NO. 01126850
FEDERAL BAR NO. 13319
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Objections to the Presentence Investigation Report has been electronically delivered to the United States Attorney's Office, Anibal J. Alaniz, AUSA, 1701 W. Business Hwy. 83, McAllen, Texas on this the 30th day of December, 2013.

/s/ Al Alvarez
AL ALVAREZ